

## Edwards &amp; Angell LLP

101 Federal Street Boston, MA 02110 617.439.4444 fax: 617.439.4170  
www.EdwardsAngell.com

#6  
M.F.J.  
5/20/03

Date : May 19, 2003

From : John B. Alexander, Ph.D. Fax : (617) 439-4170 Direct : (617) 517-5555  
To : David Romeo,  
United States Patent &  
Trademark Office Fax : (703) 746-5075 Direct :

Pages : 7  
(including cover sheet)

If you received a partial delivery, please call Maggie C. Hamelin at (617) 517-5537.

Re :

Enclosed please find a Submission of "Sequence Listing" in connection with U.S. Serial No. 09/716,147.

Please do not hesitate to contact me if you have any questions, or if I can be of any further assistance at this time.

Best Regards,

John B. Alexander, Ph.D.

JBA:mch

Fax

Confidentiality Note : The documents accompanying this facsimile contain information from the law firm of Edwards & Angell, LLP, which may be confidential and/or privileged. The information is intended for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile is strictly prohibited, and that the documents should be returned to this firm immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

Practitioner's Docket No. 47176-DIV2 (70342)  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: S. Hinuma et al.  
Application No.: 09/716,147  
Filed: November 17, 2000  
For: POLYPEPTIDES, THEIR PRODUCTION AND USE

Group No.: 1647  
Examiner: D. S. Romeo

**Box Sequence**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE**

---

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. SECTION 1.8(a)**

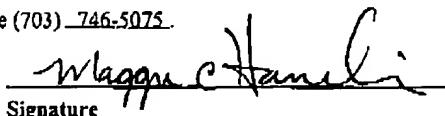
**37 C.F.R. SECTION 1.10\***

with sufficient postage as first class mail.

as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office (703) 746-5075.

  
Signature

Date: May 19, 2003

Maggie C. Hamelin  
(type or print name of person certifying)

**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).*

*"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

*(check and complete this item, if applicable)*

1.  This replies to the Office Letter DATED \_\_\_\_\_

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.*

A copy of the Office Letter is enclosed.

**IDENTIFICATION OF PERSON MAKING STATEMENT**

John B. Alexander, Ph.D.

2. I, \_\_\_\_\_  
*(type or print name of person signing below)*

state the following:

**ITEMS BEING SUBMITTED**

3. Submitted herewith is/are:

*(check each item as applicable)*

A.  "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.

B.  An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).

C.  A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.

D.  Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of: Hinuma et al.

Application No.: 08/776,971

Group No.: 1646

Filed: February 7, 1997

Examiner: D. Romeo

For: POLYPEPTIDES, THEIR PRODUCTION AND USE

*(Submission-Nucleotide and/or Amino Acid Sequence--page 2 of 6)*

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

**NOTE:** "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. Section 1.821(e).

E.  A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(g).

Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).

F.  Because this submission is made in fulfilling the requirement under 37 C.F.R. Section 1.821(g), a statement that the submission includes no new matter.

Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

A.  Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B.  All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

---

(Submission-Nucleotide and/or Amino Acid Sequence--page 3 of 6)

## STATUS

## 5. Applicant is

a small entity. A statement:

is attached.

was already filed.

other than a small entity.

## EXTENSION OF TERM

## 6.

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

## 7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b) as applicable)*

(a)  Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$1440.00	\$ 720.00

Fee \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(Submission-Nucleotide and/or Amino Acid Sequence--page 4 of 6)

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

8.  Attached is a check in the sum of \$ \_\_\_\_\_.

Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

FEE DEFICIENCY

9.

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10.  If any additional extension and/or fee is required, charge Account No. 04-1105.

SIGNATURE(s)



21874

PATENT TRADEMARK OFFICE

May 19, 2003

Date

EDWARDS & ANGELL, LLP  
P.O. Box 9169, Boston, MA 02209  
P.O. Address of Signatory

John H. Alexander, Ph.D.  
(type or print name of person signing statement)

Signature

(Submission-Nucleotide and/or Amino Acid Sequence--page 5 of 6)

*(If applicable)*

Tel. No.: (617) - 439-4444  
Fax Nos.: (617) 439-4170 / 7748  
Customer No.: 21874

Inventor  
 Assignee of complete interest  
 Person authorized to sign on behalf of assignee  
 Practitioner of record  
 Filed under Rule 34(a)  
 Registration No. 48,399  
 Other

*(specify identity of person signing)**(complete the following, if applicable)*

---

*(type name of assignee)*

---

*Address of assignee*

---

*Title of person authorized to sign on behalf of assignee*

A "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_  
Reel \_\_\_\_\_ Frame \_\_\_\_\_

---

**SIGNATURE OF PRACTITIONER***Reg. No.*

---

*(type or print name of practitioner)**Tel. No.: ( )*

---

*P.O. Address**Customer No.:**BOS2\_335990.1**(Submission-Nucleotide and/or Amino Acid Sequence--page 6 of 6)*